

NOV 29 2006

MARY L.M. MORAN
CLERK OF COURT

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF GUAM

| | | |
|--------------------------|---|----------------------------------|
| UNITED STATES OF AMERICA |) | MAGISTRATE CASE NO. 06-00026-001 |
| Plaintiff, |) | |
| |) | |
| vs. |) | INFORMATIONAL REPORT |
| |) | |
| TOMASA F. NEELY, |) | |
| Defendant. |) | |
| _____ |) | |

Re: Informational Report; No Action Requested

On August 22, 2006, Tomasa F. Neely made an Initial Appearance before Magistrate Judge Joaquin V. E. Manibusan Jr., pursuant to an Information charging her with Count 1: Driving Under the Influence of Alcohol (BAC), in violation of 16 G.C.A. 180102(b) and 18 U.S.C. §§ 7(3) and 13; and Count 2: Driving Under the Influence of Alcohol, in violation of 16 G.C.A. 180102(a) and 18 U.S.C. §§ 7(3) and 13.

On the same date, she was released on a personal recognizance bond with conditions that she report to the U.S. Probation Office as directed; surrender any passport to the Clerk of Court, District Court of Guam; obtain no passport; not leave the Territory of Guam without permission from the U.S. Probation Office; refrain from possessing a firearm, destructive device, or other dangerous weapon; refrain from any use of alcohol; refrain from use or unlawful possession of a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner; submit to any method of testing required by a pretrial services officer or the supervising officer for determining whether she is using a prohibited substance; and report as soon as possible any contact with law enforcement.

On October 26, 2006, Ms. Neely appeared before Magistrate Judge Joaquin V. E. Manibusan Jr., and pleaded guilty to Count 1 of the Information. Her release on the same conditions previously imposed was ordered by the Court. Her sentencing date is set for December 12, 2006. She is alleged to have violated the following condition of release:

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Special Condition: *The defendant shall refrain from any use of alcohol.*

On November 7, 2006, Ms. Neely met with U.S. Probation Officer Maria Cruz for her presentence report interview. She voluntarily admitted to Officer Cruz that she drank alcoholic beverages on November 4, 2006. On November 21, 2006, this Officer met with Ms. Neely to discuss her noncompliance with her no alcohol condition. Although she signed the Pretrial Release Reporting Instruction (Pretrial Services Form 7) acknowledging her understanding of her conditions, she stated that she was not aware that she was not supposed to drink alcohol. She executed an admission form, admitting to drinking six beers at her residence on November 4, 2006. Ms. Neely maintains that she will not drink anymore alcoholic beverages.

Recommendation: It is recommended that this report be for informational purposes only and no action be taken at this time. Ms. Neely has been warned of the consequences of further violations and has reviewed her conditions of release with this Officer again. Her compliance will continue to be closely monitored. Any further violations will be reported to the Court accordingly.

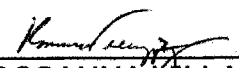
Respectfully submitted,

FRANK MICHAEL CRUZ
Chief U.S. Probation Officer

By:


JOHN W. SAN NICOLAS II
U.S. Probation Officer

Reviewed by:


ROSSANNA VILLAGOMEZ-AGUON
U.S. Probation Officer
Supervision Unit Leader

cc: Jennifer Sanchez, SAUSA
Richard P. Arens, AFD
File